

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 07-26-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
HOMERO MENDEZ-RUELAS,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on July 31, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

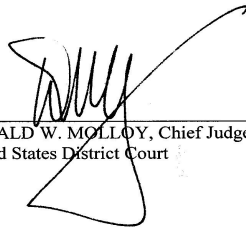
Judge Lynch recommended this Court accept Mendez-Ruelas's

guilty plea after Mendez-Ruelas appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of illegal re-entry of a deported alien, in violation of 8 U.S.C. § 1326(a).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #20) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea is GRANTED.

DATED this 27th day of August, 2007.



DONALD W. MOLLAY, Chief Judge
United States District Court